

GABRIEL L. GRASSO, ESQ.  
Nevada Bar No. 7358  
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**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	Case No.: 2:17-cr-00398-APG-EJY
vs.	)	
	)	STIPULATION TO CONTINUE
CODY PATTERSON,	)	SENTENCING DATE
	)	
	)	(FIRST REQUEST)
Defendant.	)	
_____	)	

*Certification:* This stipulation is filed pursuant to General Order 2007-04.

IT IS HEREBY STIPULATED AND AGREED, by and between the defendant CODY PATTERSON through his attorney, BRIAN J. SMITH, ESQ., and GABRIEL L. GRASSO, ESQ., and the United States of America, through JESSICA OLIVA, Assistant United States Attorney, that the sentencing hearing currently scheduled for July 7 2020, at 2:00 p.m., be vacated and continued to a date and time convenient to this court, but no event earlier than 30 days.

Pursuant to General Order No. 2007-04, this stipulation is entered and based upon the following:

1. On June 23<sup>rd</sup> the Government provided the defense with numerous documents relating to victim restitution. The defense will need the additional time requested to review the new documents, consult with the defendant, and formulate any appropriate response.
2. PATTERSON is on pretrial release and does not oppose to the continuance.
3. The parties agree to the continuance.

- 1           4. Denial of this request for continuance would deny the defense sufficient time to  
2           be able to assist in defendant's sentencing and file a Sentencing Memorandum  
3           which addresses the new restitution claims.  
4           5. This is the first request for a continuance of the sentencing date in this case.

5           DATED this 26<sup>th</sup> day of June, 2020.

6           RESPECTFULLY SUBMITTED BY:

7  
8           /s/ Jessica Oliva  
9           JESSICA OLIVA  
            Assistant United States Attorney

/s/ Gabriel L. Grasso  
            GABRIEL L. GRASSO  
            Attorney for PATTERSON

10                               /s/ Brian J. Smith  
11                              BRIAN J. SMITH  
12                              Attorney for PATTERSON  
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_____	)	

**FINDINGS OF FACT**

Based upon the submitted Stipulation, and good cause appearing therefore, the Court finds that:

1. The defense will need additional time to review new sentencing documents, consult with the defendant, and formulate any appropriate response.
2. PATTERSON is on pretrial release and does not oppose to the continuance.
3. The parties agree to the continuance.

**CONCLUSIONS OF LAW**

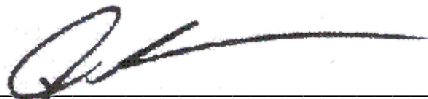
Denial of this request for continuance would deny the defense herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for sentencing, taking into account the exercise of due diligence.

Additionally, denial of this request for continuance would result in a miscarriage of justice.

**ORDER**

IT IS ORDERED that the sentencing hearing currently scheduled for July 7, 2020, at 2:00 p.m., be vacated and continued to September 22, 2020, at the hour of 2:00 p.m. in Courtroom 6C.

IT IS SO ORDERED:

  
UNITED STATES DISTRICT JUDGE

DATED: June 29, 2020